

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CONSTANCE SUE ALBRECHT,

Plaintiff,

vs.

NO. CIV 11-407 CG

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER comes before the Court on Plaintiff's *Motion for Attorney Fees Under Equal Access to Justice Act, With Memorandum in Support Thereof*, (Doc. 29), and Defendant's *Response to Plaintiff's Motion for Attorney Fees Under EAJA*, (Doc. 30). Plaintiff has requested reimbursement for attorney fees in the amount of \$5,709.00 and costs in the amount of \$368.89 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. 29 at 1-3). Defendant does not oppose the motion.

IT IS THEREFORE ORDERED that Plaintiff's *Motion for Attorney Fees Under Equal Access to Justice Act, With Memorandum in Support Thereof*, (Doc. 29), be **GRANTED** and that Plaintiff Constance Sue Albrecht¹ is authorized to receive **\$6,077.89** in fees for payment to her attorney for services before this Court.²

¹ See *Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (requiring EAJA fees to be paid to the claimant).

² In the future, if Ms. Albrecht's counsel is also awarded attorney fees pursuant to 42 U.S.C. § 406(b), she shall refund the smaller award to Ms. Albrecht pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) ("Fee awards may be made under both [EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee." (internal quotation marks and alteration omitted)).

A handwritten signature in black ink, appearing to read "Carmen E. Garza", with a long horizontal flourish extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent